

Serial No.: 10/672,621

Attorney Docket No.: 2003P08212US

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REMARKS

Upon entry of the instant Amendment, Claims 1-14 and 16 are pending. Claims 1, 4, 7, 12, 13, and 16 have been amended to more particularly point out Applicants' invention.

Claims 1-14 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Murray, U.S. Patent No. 6,484,033 ("Murray") in view of Posti et al, U.S. Patent Publication No. 20050075110 ("Posti"). Applicants respectfully submit that the present invention is not taught, suggested, or implied by Murray or Posti, either singly or in combination.

As discussed in the Specification, and in response to the previous Official Action, aspects of the present invention relate to a presence and availability system in which location and speed of a user device are taken into account via a one or more presence rules when determining the availability or presence status of the user. The presence status and availability may then be transmitted to registered or authorized users. In certain embodiments, a hysteresis may be provided such that a momentary change in user speed or position does not result in continuous toggling of status or context "updates." In some embodiments, this depends on the current context or status as well as the hysteresis itself. Further, according to embodiments of the present invention, a hysteresis timer is provided, such that context or status is updated if the status remains changed upon expiration of the timer.

Thus, claim 1 has been amended to recite "wherein said speed and said position hysteresis thresholds are correlated with hysteresis timers to begin timing when said thresholds are crossed and allowing a change in context if the speed or position are still past the thresholds when the corresponding hysteresis timer expires;" claim 4 has been amended to recite "wherein said speed is correlated with a hysteresis threshold and a particular context to prevent a change in a context status based on momentary change in speed; wherein said hysteresis threshold is associated with a hysteresis timer to begin timing when said threshold is crossed and allowing a change in context if the speed is still past the threshold when the hysteresis timer expires;" claim 7 has been

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amended to recite "wherein said hysteresis thresholds are associated with hysteresis timers to begin timing when said thresholds are crossed and allowing a change in status if the corresponding status is still past the threshold when the corresponding hysteresis timer expires;" claim 12 has been amended to recite "wherein said hysteresis threshold is associated with a hysteresis timer to begin timing when said threshold is crossed and allowing a change in context if the speed is still past the threshold when the hysteresis timer expires;" claim 13 recites "wherein said hysteresis thresholds are associated with hysteresis timers to begin timing when said thresholds are crossed and allowing a change in context if the speed is still past the corresponding threshold when the corresponding hysteresis timer expires.."

As acknowledged in the Official Action, Murray does not relate to hysteresis threshold. Instead, Posti is relied upon to provide such teaching.

However, with particular reference to claim 1, Posti does not provide for speed and position-based hysteresis. Posti is concerned merely with a speed through a telephony cell, and not, e.g., with the position within the cell. Further, with reference to all the claims at issue, Applicants note that to the extent that Posti relates to hysteresis, Posti nowhere provides a hysteresis timer as recited in the claims as amended. Instead, Posti automatically updates its "channels" based upon one or more speed thresholds. Timing never enters into the switching determination. In contrast, and advantageously, the present invention provides a hysteresis that does not toggle if a change in status is merely momentary.

Further, as discussed in response to the previous Official Action, Murray does not appear to relate to a presence system of the type claimed. Rather than multiple registered users being able to obtain presence information via registering a watcher list, in Murray, another user is telephoned if a device is determined not to be able to return to an available conference site in time for the conference. Status, however, is not distributed among multiple users as in a presence system, as generally recited in the claims at issue.

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Because the references, when combined, do not provide for presence and hysteresis (particularly on presence status updates), the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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